

MR1111-1203

Serial Number: 10/714,619

Response to Office Action Dated 7 April 2004

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 7 April 2004. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements that form the invention of the subject Patent Application and Claim 2 has been cancelled by this Amendment.

In the Official Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102(b) as being clearly anticipated by Santi, U. S. Patent No. 6,345,570. The Examiner stated that the reference disclosed a delivery pipe that was a continuous curving pipe including a first curving section and a second curving section with an outlet at the free end of the second curving section.

Before discussing the reference relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a milk foam delivery pipe for an espresso coffee maker that allows for greater mixing of steam and milk and allows the use of steam at a lower pressure. The milk foam delivery pipe is a continuous curving pipe having first and second curving sections forming a tortuous flow path. The milk foam delivery pipe has an inlet from which a flow passes downwardly to the first curving section. The

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first curving section directs the flow upwardly to the second curving section, and the second curving section directs the flow downwardly to a milk foam outlet.

In contradistinction, the Santi reference discloses an espresso coffee machine that provides the coffee from precompressed, premeasured coffee grounds encased within a pod 5. The beverage produced from the pod 5 passes into the piping 8 for dispensing to a disposable cup 9. Thus, the piping 8 is intended for the delivery of the coffee beverage, and not foamed milk which is added to a coffee beverage. As is shown in each of the espresso coffee makers identified in the BACKGROUND portion of the subject Patent Application, the milk foam delivery structure is separate and distinct from the coffee beverage delivery structure. Thus, the piping 8 of the reference does not serve the function of mixing milk with steam, as does the milk foam delivery pipe of the instant invention.

In addition to the different function of the invention of the subject Patent Application, the milk foam delivery pipe, as now claimed, defines a continuous curving pipe that forms a tortuous flow path, and further requires the first curving section to direct the flow upwardly to the second curving section, the second curving section directing the flow downwardly to a milk foam outlet. Whereas in the Santi reference, both first and second curving sections direct the flow therethrough downwardly, the first curving section directing the flow downwardly

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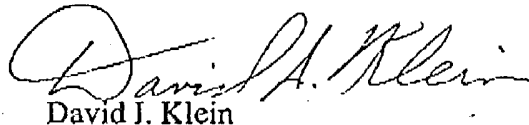
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to the second curving section and the second curving section downwardly to the coffee outlet.

Therefore, as the reference fails to disclose or suggest the combination of elements that form the invention of the subject Patent Application, it cannot make obvious that invention. Accordingly, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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